REMARKS

In this Response, claims 24-27, 29 and 31 are amended. No new matter is added by the amendments. Accordingly, claims 24-38 are pending in the present application. Applicant respectfully requests reconsideration of the application in view of the above amendments and remarks made herein.

I. Rejections Under 35 U.S.C. § 102

Claims 24, 25, 27-31, 34-36 and 38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,698,020, issued to *Zigmond et al.* (hereinafter "*Zigmond*"), for the reasons set forth on pages 3-7 of the Final Office Action.

Applicant respectfully submits that *Zigmond* does not teach or suggest "determining when one of said undesirable program sections starts and ends, said determination comprising automatically comparing said program sequence while being transmitted with a plurality of undesired program sections stored in a database, said undesired program sections stored in said database corresponding to previously identified undesirable program sections" as in claim 24.

One aspect of the claimed invention is the suppression of the recording and/or reproduction of undesirable program sections of a program sequence transmitted by a transmitter to an entertainment electronic device. In an exemplary embodiment of Applicant's invention, suppressing the recording and/or reproduction of undesirable program sections of a program sequence includes automatically comparing said program sequence while being transmitted with a plurality of undesired program sections stored in a database; the undesired program sections stored in the database corresponding to previously identified undesirable program sections. That is, each program section stored in the database corresponds to a program section which was earlier identified as being undesirable. If the transmitted program sequence starts to correlate with one of the undesired program sections stored in the database, the undesirable program section within the transmitted program sequence is detected, and a first signal is sent to the entertainment electronic device which switches from a first operating state to a second operating state in response to the first signal.

Zigmond discloses techniques for the *insertion of advertisements into a video programming stream*. That is, in *Zigmond*, one advertisement is replaced with another advertisement within a transmitted video program. *Zigmond* (col. 4, lines 41-45) discloses that an ad insertion device (80) detects a triggering event indicating an appropriate time to display a selected advertisement, wherein the triggering event is a signal carried in the video programming feed, implied by the timewise structure by the video feed, or based on information contained in an electronic program guide. *Zigmond* does not teach or suggest comparing the video program with a plurality of undesired program sections stored in a database. Instead, *Zigmond* (col. 15, lines 24-25; col. 16, lines 46-48) discloses that an advertisement repository (86) contains a cache of delivered advertisements, and when a switching decision unit (88) identifies a triggering signal, it prompts a video switch (90) to interrupt display of the transmitted video program and *to insert in its place the selected advertisement from the advertisement repository 86.*

Therefore, *Zigmond* discloses that an *advertisement repository* (86) *contains selected advertisements to be inserted in a transmitted video program*. This clearly does not teach or suggest suppressing the recording and/or reproduction of undesirable program sections comprising comparing a program sequence while being transmitted "with a plurality of undesired program sections stored in a database, said undesired program sections stored in said database corresponding to previously identified undesirable program sections", as in claim 24. Therefore, for at least the above reasons, *Zigmond* does not anticipate claim 24.

Applicant respectfully submits that inasmuch as claims 25, 27-31, 34-36 and 38 are dependent on claim 24, and claim 24 is patentable over *Zigmond*, claims 25, 27-31, 34-36 and 38 are patentable as dependent on a patentable independent claim. Withdrawal of the instant rejections is respectfully requested.

Withdrawal of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

II. Rejections Under 35 U.S.C. § 103

Claims 26, 32, 33 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Zigmond* in view of U.S. Patent No. 6,483,987, issued to *Goldschmidt Iki et. al.* (hereinafter "*Goldschmidt*"), for the reasons set forth on pages 8-11 of the Final Office Action. Applicant incorporates by reference the arguments made above in connection with the rejections under 35 U.S.C. § 102(e).

In regard to *Goldschmidt*, it discloses a method and an apparatus for recording program data without commercials. *Goldschmidt* (col. 5, lines 45-65) discloses that a broadcast data analyzer (330) monitors the broadcast data for commercial indicators and program indicators, wherein a commercial indicator is a message in the vertical blanking interval stating that a commercial will be broadcast on the broadcast data, a fade to back, or an increase in the volume signal. *Goldschmidt* does not teach or suggest "determining when one of said undesirable program sections starts and ends, said determination comprising automatically comparing said program sequence while being transmitted with a plurality of undesired program sections stored in a database, said undesired program sections stored in said database corresponding to previously identified undesirable program sections" as in claim 24. Therefore, the deficiencies in *Zigmond* are not cured. Therefore, for at least the above reasons, claim 24 is patentable and non-obvious over the combination of *Zigmond* and *Goldschmidt*.

Moreover, Applicant submits that inasmuch as claims 26, 32, 33 and 37 are dependent on claim 24, and claim 24 is patentable and non-obvious over the cited references, claims 26, 32, 33 and 37 are patentable as dependent on a patentable independent claim. Withdrawal of the instant rejections is respectfully requested.

In view of the foregoing, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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